

05/09/0034

MR & MRS G.A LIDDALL

ERECTION OF TWO DWELLINGS AT LAND TO REAR OF 50 STONEGALLOWS, BISHOPS HULL AS AMENDED BY EMAIL DATED NOVEMBER 30 2009 AND REVISED LAYOUT PLAN NO. 12 REV A, AND FURTHER AMENDED BY EMAIL DATED 14 JANUARY 2010 AND SITE SECTION DRG NO. 13 AND DRG NO 12 REV B

319825.123858

Outline Planning Permission

PROPOSAL

Outline planning permission is sought for the erection of two detached dwellings located within the substantial curtilage of No. 50 Stonegallows. The site is located within the defined settlement limits. All matters are reserved. The indicative layout plan shows two four bedroom properties, with reference within the Design and Access Statement to the use of the following materials, brick under a tiled roof. Access to the site is proposed via a private drive to the west of the existing dwelling. Amended plans have been submitted to provide a widened access for the first 5.0m in order to ensure vehicles are able to pull off the highway thus avoiding vehicles being forced to reverse onto the public highway. Further information has subsequently been submitted to position the dwellings further south, albeit still further forward by 3.0 metres from the adjacent to No. 52. A cross section, including the outline of the approved single dwelling, also now accompanies the application.

SITE DESCRIPTION AND HISTORY

The application site comprises a substantial dwelling in commensurately sized grounds. Outline planning permission was granted in 2005 and 2008, reference 05/05/0042 & 05/08/0038 respectively, for a detached dwelling on this site. The site is located within the built up area boundary and designated Special Landscape Feature.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

Parish Council – The Council objects to the proposal on the grounds that it is overdevelopment and contrary to the general nature of development in this area. The Parish Councils original objection to this application stands despite the latest amendment.

Landscape Officer – Subject to retention of existing boundary hedgerows and new tree planting in the rear gardens it should be possible to minimise any landscape impacts. The revised access requirements will need to be carefully landscaped to provide a good quality urban environment.

Further comments – I consider it essential that a full landscape scheme is prepared before any permission is granted so that it is clear that the housing needs to be well

screened with appropriate trees and shrubs.

Highway Authority – Each dwelling will provide parking for 2 vehicles, together with an independent turning area, in line with the requirements of the Local Transport Plan and TDBC Policy M4. It is recommended that the boundary wall delineating between the proposed dwellings should be reduced a minimum of 600mm to provide good visibility for both dwellings using the shared drive. Access provides adequate visibility in either direction. Following concerns to the width of the access at the entrance point to accommodate two way traffic amended plans were sought. Amended drawings have taken into account the Highway concerns with the access. No objection subject to the relevant conditions previously recommended.

Drainage Officer – It is noted that surface water is to be discharged to soakaways. These should be constructed in accordance with BRG365 (Sep 91) and made a condition of any approval.

Wessex Water – The development is located within a sewered area, with foul and surface water sewers. The connection point can be agreed at the detailed design stage. With respect to water supply the same principle applies.

Representations

Ward Member – Although the Local Planning Authorities previous decision to grant planning approval for one dwelling on this site was appropriate, it is felt that the current plan for two dwellings will lead to a precedence of over-development in the gardens of properties within an area which currently serves large executive housing. On balance and because of this issue of in-fill, it be requested that permission be refused.

4 letters of OBJECTION have been received. Summary of objections: - Loss of privacy; loss of amenity; incompatibility and out of character with the area (low density suburb on the rural urban fringe); existing houses are set in extensive gardens which attract considerable wildlife; attention is drawn to articles in which Planning Minister John Healey states Councils should not consider every piece of land which already has a building on it as suitable for development; two dwellings impinge significantly on privacy and solitude; located on the Stonegallows Ridge Special Landscape Feature; proposed plots are much smaller than existing plots; proposed dwelling closer to Cleworth and further north than previous dwelling 05/08/0034; request condition that eaves and ridge levels of the proposed dwellings be no higher than respective levels at the dwelling Cleworth (No. 52); D & A refers to distances between the site and No. 50, no mention of distances with No. 52; Proposal does not meet requirements of Policy H2 referred to in the D & A; dwellings should be relocated at least 5 to 10 metres south to reduce the visual bulk to Cleworth; request response as to what the zone is for Stonegallows and why the proposal is appropriate for this location; who has been consulted?; dwellings are too close together and too close to existing properties when compared with others in the area; believe there is a covenant restricting the height of any building in the rear garden; how will the dwelling be connected to mains drainage? – Most existing dwellings are served by a private sewer and are concerned no additional connections should be allowed; additional traffic to the highway network and highway safety concerns; landscape impact from building two dwellings – this urbanisation is not appropriate; loss of view; concern that further development will arise; concern the amended plans result in further loss of privacy and increase risk of further

development; amended plans now require a 5 metre wide access at the entrance to the site; ongoing 'creep' of development whereby the level of infill and intrusion escalates with each proposed being justified by the marginal change from the previous determination; covenant on the land preventing any building; amended plans do not address the issues previously raised; revised plans now show the eaves would be at least one metre higher than No. 52; proposals would therefore be more bulky and impact on the Stonegallows environs; recommend lowering floor levels by 1.0 to minimise bulk; the new dwellings should be brought back in line with No. 52 (or further south); close proximity of proposed dwellings on No. 52; still not provided with satisfactory answer as to why the development is in keeping with the character of Stonegallows Ridge SLF.

PLANNING POLICIES

PPS1 - Delivering Sustainable Development,
PPS3 - Housing,
STR1 - Sustainable Development,
STR4 - Development in Towns,
S&ENPP5 - S&ENP - Landscape Character,
S&ENPP49 - S&ENP - Transport Requirements of New Development,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
EN12 - TDBCLP - Landscape Character Areas,
M4 - TDBCLP - Residential Parking Provision,
EN11 - TDBCLP - Special Landscape Features,

DETERMINING ISSUES AND CONSIDERATIONS

The primary issues in the determination of this application concern the visual impact of the proposed development upon the character and appearance of the locality; impact upon residential amenity of local residents; and, highway safety.

Character and appearance of the area

There has been reference during the consultation process of recent independent government research into concerns regarding the extent of development within domestic curtilage. Advice in Planning Policy Statement 3 para 41 has now been updated, this paragraph which sets out that brownfield land is priority for development, will also now say 'there is no presumption that previously developed land is necessarily suitable for housing, nor the curtilage should be developed'. PPS3 retains a focus on brownfield land, where this is suitable for housing. The planning considerations remain the same, in essence is this site suitable for the proposed development, set against the background of the existing permission for a single dwelling on this site.

The land under the ownership of the applicant consists of a substantial dwelling set in a commensurately sized plot, with an extensive rear garden. The site is located within the built up area boundary, where there is, in principle, scope for plot sub-division. The normal criterion applied to subdivision proposals in this scenario is whether with regard to the overall characteristics of the area and the way it is laid out that proposal would be so out of place or out of scale that the area would suffer a significant reduction in its amenity and character. There is an existing permission on

the site for a large detached dwelling which is a material consideration. The application site is located adjacent to an existing property No. 52 which is set back from the existing dwellings in Stonegallows. The floor area of the proposed dwellings is that still of large properties (176.4sq.m), albeit smaller than some of the existing dwellings. On balance it is not considered that the proposal would be so out of character in terms of the proposed plot size or scale of development as to be harmful to the character of the area as to substantiate a reason for refusal.

The site is located within a Special Landscape Feature; however, the landscape officer has not raised any objection subject to landscape mitigation which can be dealt with at reserved matters stage. The fact that a large single dwelling has been approved on this plot is also a material consideration. The landscape officer has subsequently raised concern that the details should be submitted prior to approval. However, the landscape details will be dealt with at reserved matters stage and the size of the plot can clearly accommodate any necessary landscape provision. The garden space allocated to the house, or left to the house from which the plot is severed; is adequate for the recreational needs of the occupants present and future.

Amenity

In terms of building to building relationships it is considered that a dwelling could be so designed as to ensure no direct overlooking between the proposed property and No. 52. In terms of overlooking with the existing property No. 50 and others located along Stonegallows, it is considered that the separation distances, in excess of 40 metres between elevations is acceptable. It is therefore considered that development would not impinge upon residential amenities by reason of the separation distances between elevations.

In terms of the building adversely affecting outlook or appearing over dominant, again, the amended plans indicate a hipped roof to reduce the bulk of the proposed development on the boundary. With regards to No. 52, the agent has brought the building line back and so the building line would extend only 3.0 metres beyond the existing building line of No. 52. In addition the proposal is side on and at an oblique angle to No. 52. It is accepted that there would be some impact on No. 52, however, set against the existing permission it is not considered to be so harmful as to warrant a refusal. There is still a degree of separation between the plots.

Highway Safety

The Highway Authority is satisfied that the proposed revised scheme is now acceptable and as such do not raise any objection to the proposal subject to the imposition of conditions. Adequate parking is provided to meet the needs of the property, and that from which land may be severed, contained within the site and off the public highway.

To conclude, careful consideration has been given to the nature of the site, amenities of local residents and the character and appearance of the area. It is considered that the proposal for two dwellings, instead of one, can be achieved on this site without significant detriment to the character and appearance of the area or harm to the residential amenities of the neighbouring occupiers. It is not considered that the development would overlook or overshadow adjoining properties as to adversely harm amenity.

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposal, for residential development, is located within defined settlement limits where new housing is encouraged, and it is considered would not adversely affect the character or appearance of the area or residential amenities of nearby dwellings. The proposal therefore accords with Somerset & Exmoor National Park Joint Structure Plan Review Policies STR1, STR4, 49 and Taunton Deane Local Plan Policies S1, S2, M4 and EN12.

RECOMMENDED CONDITION(S) (if applicable)

1. Approval of the details of the layout, scale, appearance, access and landscaping of the site (hereinafter called “the reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is commenced.

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of [three] years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with the provisions of S92 (2) Town and Country Planning Act 1990 (as amended by S51 (2) Planning and Compulsory Purchase Act 2004).

2. There shall be no obstruction to visibility greater than 600mm above adjoining road level forward of lines drawn 2.0m back from the carriageway edge on the centre line of the access and extending to the eastern extremities of the site frontage. Such visibility shall be fully provided before works commence on the erection of the dwelling hereby permitted and shall thereafter be maintained at all times.

Reason: In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and relevant guidance in PPG13.

3. The reserved matters application shall comply with the maximum parameters relating to the scale of development (including the eaves and ridge height, width and length of each building), as identified on Plan No. 12 Rev B & Plan No. 13. The eaves height and ridge height shall not exceed 26.5m and 23.5m respectively with reference to the survey heights shown on the aforementioned plans.

Reason – In the interests of the visual and residential amenities of the area and adjacent occupiers in accordance with Taunton Deane Local Plan

Policies S1 and S2.

4. No development shall take place until details of the foul water drainage system and surface water drainage works have been submitted to and approved in writing by the local planning authority. The scheme shall be carried out in accordance with the approved details before the mobile home on the site is occupied.

Reason: To avoid pollution of the environment and/or flooding in accordance with Taunton Deane Local Plan Policy S1 and EN26 and advice contained within PPS25.

5. Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order) (with or without modification), no windows shall be installed at first floor level on the west or east elevation of the development hereby permitted without the further grant of planning permission.

Reason: To protect the amenities of adjoining residents in accordance with Policy S1(E) of the Taunton Deane Local Plan.

6. Provision shall be made in the submission of reserved matters for two parking spaces per dwelling.

Reason: In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and relevant guidance in PPG13.

7. Prior to the dwellings hereby permitted being occupied, a properly consolidated and surfaced access shall be constructed (not loose stone or gravel), details of which shall have been submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and relevant guidance in PPG13.

Notes for compliance

1. Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager, Taunton Deane Area Office, Burton Place, Taunton, Tel No. 0845 3459155.
2. The submitted details identify that surface water is to be discharged to a soakaway. The soakaway should be constructed in accordance with BRG365 (Sep 91).

3. The reserved matters for landscaping should seek to retain the existing hedgerows and provide additional tree planting to minimise the impact of the built development on the landscape. Careful consideration should be given to the revised access arrangements to ensure a good quality development. The applicant is encouraged to contact the Council's landscape officer to discuss the proposals prior to the submission of the reserved matters.
4. The applicant is advised that points of connection Wessex Water infrastructure should be agreed with Wessex Water, prior to the commencement of works on site.
5. The applicant is advised that existing trees on site should be protected during construction and minor tree work to the Oak tree (crown raising to 2.5m) should also be carried out.
6. The applicant is advised that fenestration on the east and west elevations of the proposed dwellings should be kept to a minimum, and if any fenestration is required on these elevation obscure glazing should be used.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.

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